

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JAMES G. HOWARD,)
)
 Plaintiff,)
)
 v.) 4:19-cv-0065-TRM-SKL
)
 ECIGRUS LLC, *et al.*,)
)
 Defendants.)

ORDER

Before the Court is a motion to amend the complaint [Doc. 36] filed by Plaintiff on February 10, 2020. Rather than attach the proposed second amended complaint as an exhibit to his motion as required by Local Rule 15.1, Plaintiff filed it separately on the docket as if the motion to amend had already been granted [Doc. 37]. *See* E.D. Tenn. L.R. 15.1 (“A party who moves to amend a pleading shall attach a copy of the proposed amended pleading to the motion.”).

Regardless, Defendant Ecigrus, LLC filed an answer to the amended complaint on February 18, 2020, thus indirectly indicating it does not oppose the amendment. The other defendants did not file a response to the motion to amend, and the time for doing so has passed. E.D. Tenn. L.R. 7.1 (a). The Court deems their failure to respond a waiver of any opposition to the relief sought. E.D. Tenn. L.R. 7.2.

Accordingly, Plaintiff’s unopposed motion to amend the complaint [Doc. 36] is **GRANTED *nunc pro tunc*** to the date the second amended complaint was filed, and the second amended complaint at Docket No. 37 shall be the operative complaint in this case going forward. Any defendant which has not yet responded to the second amended complaint is **ORDERED** to

do so within 14 days of entry of this Order.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE